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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RHODE JR, ROBERT E

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/584,232

Applicant(s)

GREYDEN ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the front sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The office action of 04-09-03 rejected claims 1 - 24 as obvious over the combination of Raveis and Kramer and further in view of Williams.

Applicant's amendment of 07-07-03 amended claim 19, which overcame the previous office action objection. In addition, the applicant traversed rejections of Claims 1 - 24.

Currently, claims 1- 24 are pending.

Response to Arguments

Applicant's arguments filed 07-07-03 have been fully considered but they are not persuasive. With regard to applicant's arguments –

O Applicant argues that Raveis does not disclose and teach a computer-implemented method and system which compares a buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the current rejection, Raveis is Real Estate method and system for buyers and sellers to contact the

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agency - as a result of some enticement and is used by agents/support personnel to manage the sale process including matching based on the customers profile with appropriate services (see at least face of Raveis patent including the drawing and Abstract as well as Figure 10). Moreover, Raveis teaches the storing of information – in a relational database regarding the buyers and sellers specific needs/profile, which includes the capability to more effectively match their needs/inferred criteria with the various services/vendors available to support their individual profile requirements (see at least Col 7, lines 11 – 27). For example and as taught by Raveis when an individual contacts the agency, the individual fills out and provides enough information to establish a customer profile (i.e. buyer or seller), which could be the basis for assigning/matching to the most appropriate agent. Additionally and as taught by Raveis, the method and system is used for marketing specific buyers/sellers (see at least Figure 10). Further and as taught by Raveis, the establishing of a matching process with the relational database capabilities could be programmed to automatically match buyers/sellers with a certain profile to be matched/sorted and assigned to a specific agent (see at least Col 10, lines 53 – 63). These capabilities to sort and match information such as sorting/matching Agents with specific capabilities to buyers/sellers with a need for these specific capabilities was old and well known at the time of the applicant's invention. An agent for example who specializes in Section 8 housing can be sorted/matched with customers requiring this specialized knowledge. Finally and most importantly, Raveis was cited in this rejection as *only* disclosing and teaching the capability of providing the buyer with an interactive environment having information

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relating to the products or services offered by agents (see at least Col 3, lines 41 – 45 and Figures 1 and 10).

O applicant argues that Kramer does not disclose and teach a computer-implemented method and system which compares a buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986. For example and as cited in the previous rejection, Kramer does teach and disclose creating a profile of the buyer by inferring criteria desired by the buyer – based on the buyer's interaction with the interactive environment (see at least Abstract and Col 3, lines 10 – 14). Moreover, Kramer was used as the reference that disclosed and taught *only* these limitations

O applicant argues that Williams does not disclose and teach a computer-implemented method and system which compares a buyer's profile and inferred criteria with the criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer. As addressed earlier, the combination of Raveis and Kramer teach substantially the applicant's invention. However, this combination as previously cited did not specifically disclose or teach the capability, which compares a buyer's profile and inferred criteria with the

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criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer. On the other hand, Williams – in combination with Raveis and Kramer does teach these limitations. For example, the method and system of Williams does provide the capability for a local user (i.e. the Real Estate Agency broker) via the control panel to define his own unique set of search rules and let the search agent(s) locate the information (i.e. in a database such as the one taught by Raveis) and matching it's set of rules – such as matching Real Estate investors/buyers who want to use Section 8 with Agents that have this specialized knowledge. Further, the method and system of Williams is sophisticated and allows multiple searches simultaneously of a database to located and match/sort the information to meet the rules/criteria of a user, which would have enabled the method and system to compare the profile and the inferred criteria – with the criteria of the products or services offered by agents (rules) in order to ensure a suitable matching of Agents and customers. In this regard, the broker could have used the method and system of Williams – in combination with Raveis and Kramer to establish unique criteria/rules for Section 8 and allow the system and method automatically search and compare individuals/buyers - and match them with a Real Estate agent specializing in Section 8 (see at least Col 3, lines 2 -16, Col 5, lines 40 - 61 and Figure 4). Therefore, Williams in combination with Raveis and Kramer discloses and teaches all the limitations of the instant application.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr (US Patent 6,321,202 B1) in view of Kramer et al (US Patent 6,327,574 B1), and further in view of Williams, Jr (US Patent 6,108,686).

Regarding Claim 1 and related claims 10 and 20, the combination of Raveis, Kramer and Williams disclose and teach a computer implemented method and system for finding a prospective buyer and providing the buyer to agents offering for sale at least one of products or services, the method comprising where -

Raveis teaches providing the buyer with an interactive environment having information relating to the products or services offered by the agents (Col 3, lines 41 – 45 and Figures 1 and 10). In addition; ✓

regarding claim 2 and related claims 11 and 21, Raveis teaches a computer implemented method and system, wherein the interactive environment includes allowing the buyer to graphically interact with information relating to the products or services (Col 3, lines 41 – 45 and Figure 1).

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regarding claim 3 and related claims 13 and 23 Raveis teaches a computer implemented method and system, wherein the buyer selects information relating to the products or services (Col 3, lines 41 – 45 and Figures 1 and 10).

regarding claim 5 and related claims 15 and 24, Raveis teaches a computer implemented method and system, wherein the interactive environment includes providing an interactive questionnaire to the buyer (Col 3, lines 45 – 48 and Col 14, lines 8 – 16).

regarding claim 6 and related claim 16, Raveis teaches a computer implemented, wherein the method and system operates on a computer-readable medium having computer-executable instructions for finding a prospective buyer and providing the buyer to an agent offering for sale at least one of products or services (Col 8, lines 38 – 54 and Figures 1 and 2).

regarding claim 8 and related claim 18, Raveis teaches a computer implemented method and system, further comprising providing agents access to the database to allow the agents to locate specific buyers based on criteria defined by the agents Col 8, lines 38 – 57).

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However, Raveis does not specifically disclose and teach creating a profile of the buyer by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment.

On the other hand, Kramer does disclose and teach creating a profile of the buyer by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment (Abstract, Col 1, lines 58 – 60 and Col 3, lines 10 – 14). In addition;

regarding claim 4 and related claims 12, 14 and 22, Kramer teaches a computer implemented method and system, wherein the profile is created based on the selections made by the buyer during interaction with the interactive environment (Col 3, lines 10 – 14).

regarding claim 7, Kramer teaches a computer implemented method and system further comprising creating a database of buyer profiles and defining groups of specific criteria for specific buyers (Col 1, lines 40 – 43, Col 2, lines 16 – 18 and Figures 7, 8 and 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the method and system of Raveis with the method and system of Kramer to enable a computer implemented method and system for finding a prospective buyer and providing the buyer to agents offering for sale at least one of products or services –

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in order to provide the buyer with an interactive environment having information relating to the products or services offered by the agents and creating a profile of the buyer by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment. In that regard, the interactive site method and system will provide tailored responses from the most appropriate sales agent - based on the buyer's preference obtained from browsing the site as well as from filling out a questionnaire. Moreover, the tailoring of the information will be specific to each buyer's needs and thereby increase their satisfaction as well as increase the probability they will recommend the site to others too.

The combination of Raveis and Kramer disclose and teach a computer implemented method and system for finding a prospective buyer and providing the buyer to agents offering for sale at least one of products or services, in order to provide the buyer with an interactive environment having information relating to the products or services offered by the agents and creating a profile of the buyer by inferring criteria desired by the buyer based on the buyer's interaction with the interactive environment

However, the combination of Raveis and Kramer does not specifically disclose and teach a computer implemented method and system which compares the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer.

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On the other hand, Williams discloses and teaches a method and system which compares the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer (Col 3, lines 1 – 34 and Figures 4 – 6). In addition;

regarding claim 9, Williams teaches a computer implemented, wherein comparing the profile and the inferred criteria with criteria of the products or services includes matching specific products or services of the agents that the buyer has a potential interest in based on the generated profile of the buyer (Col 5, lines 49 – 60).

regarding claim 17, Williams teaches a computer system, wherein the comparator creates a database of buyer profiles and defines groups of specific criteria for specific buyers (Col 2, lines 9 - 24 and Figures 3, 4 and 5).

regarding claim 19, Williams teaches a computer system, wherein the comparator compares the profile and the inferred criteria with criteria of the products or services by matching specific products or services of the agents that the buyer has a potential interest in based on the created profile of the buyer (Col 5, lines 49 – 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Raveis and Kramer with the method and system of Williams to enable the ability for the computer implemented method and system to

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compare the profile and the inferred criteria with criteria of the products or services offered by the agents to match a suitable agent with a suitable buyer based on the created profile of the buyer – in order to enable the ability of the method and system to automatically search and match agent specific criteria with appropriate buyers who fit their specific criteria such as buyers who can only afford homes in excess of 1 million dollars. In that regard, the agent is match most closely with appropriate buyer and thereby ensuring that the buyer will have supporting them an agent who is most appropriate, which will also significantly improve the buyer's satisfaction.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7658 for regular communications and 703.308.3687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER
July 17, 2003



Jeffrey A. Smith
Primary Examiner